

*Cost/benefit  
2 years report*

*Senate*

PRIVILEGED AND CONFIDENTIAL  
DRAFT - 3/11/94

## CARELESS SMOKING FIRE PREVENTION ACT OF 1994

To implement the recommendations of the Consumer Product Safety Commission under the Fire Safe Cigarette Act of 1990 and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE – This Act may be cited as the "Careless Smoking Fire Prevention Act of 1994."

(b) FINDINGS – The Congress finds that –

(1) studies conducted under the Cigarette Safety Act of 1984 and the Fire Safe Cigarette Act of 1990 have examined the technical and commercial feasibility of developing a cigarette that would have a significantly reduced propensity to ignite upholstered furniture and mattresses,

(2) the Consumer Product Safety Commission ("Commission"), which has been substantially involved in such studies, has concluded that it is practicable to develop a performance standard to reduce cigarette ignition propensity but that the potential benefits and costs of such a standard are not known,

(3) the Commission has concluded more specifically that the potential benefits of a performance standard would depend on, among other things, the projected effectiveness of the standard, and that the potential costs would depend on, among other things, the commercial feasibility of lower ignition propensity cigarettes and the incremental health implications of such products, and

(4) persuasive evidence that the societal benefits of a standard exceed the societal costs is needed before a performance standard is implemented.

### SECTION 2. COMPLETION OF SPECIFIED RESEARCH.

(a) The Consumer Product Safety Commission shall undertake such additional studies and other activities as it considers necessary and appropriate to determine whether the societal benefits of developing and implementing a performance standard to reduce cigarette ignition propensity would exceed the societal costs thereof.

2025769481

2025769481

(b) In conducting the benefit/cost analysis described in subsection (a), the Consumer Product Safety Commission shall address and consider separately the following:

(1) whether existing test methods for measuring cigarette ignition propensity reliably and accurately predict the behavior of cigarettes in the variety of real-world conditions that are known to exist, taking into account in particular (i) the range of fabrics, padding materials and construction methods utilized in furniture and mattresses found in the marketplace; (ii) variations in air flow, humidity and other environmental factors known to affect cigarette ignition propensity; (iii) information concerning how fires involving cigarettes and upholstered furniture and mattresses actually begin, including the location(s) on upholstered furniture and mattresses that are most vulnerable to ignition by cigarettes; and (iv) any reproducibility problems that may be associated with existing test methods, including the availability over time of reliable test materials and the intra- and inter-laboratory reproducibility of test results;

(2) how existing test methods could be incorporated into a fire-safety performance standard for cigarettes so as to maximize fire-safety benefits at the lowest possible cost;

(3) the benefits that reasonably could be anticipated as a result of implementing a fire-safety performance standard as described in subsection (2), including the number of fires that would be prevented, the number of lives that would be saved, and the number and type of injury or damage to persons and property that would be avoided;

(4) the costs that reasonably could be anticipated as a result of implementing a fire-safety performance standard as described in subsection (2), including the likely economic impact on cigarette manufacturers and others of producing and marketing cigarettes having a reduced ignition propensity, any health implications potentially associated with such products and the costs likely to be incurred by the Federal Government in implementing and enforcing a fire-safety performance standard for cigarettes; and

(5) the benefits and costs of other options that could reasonably be anticipated to address that portion of the accidental fire problem believed to involve cigarettes and upholstered furniture and mattresses, including modifications to upholstered furniture and mattresses and/or to the materials that are used in those products, and public fire safety education programs.

2025769482

2025769482

### SECTION 3. OUTSIDE ASSISTANCE.

(a) In conducting the benefit/cost analyses described in section 2, the Consumer Product Safety Commission may request the head of any Federal department or agency to detail any of the personnel of that department or agency to assist the Commission in carrying out its responsibilities, and may retain and contract with such consultants as it deems necessary.

(b) In conducting the benefit/cost analyses described in section 2, the Consumer Product Safety Commission may solicit and shall consider input from entities in the private sector, including cigarette manufacturers as well as fabric, upholstered furniture and mattress manufacturers.

### SECTION 4. CONFIDENTIALITY.

(a) Any information provided under section 3 which is designated as trade secret or confidential information shall be treated as trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code, and shall not be revealed, except as provided under subsection (b). No employee of the Commission and no person assigned to or consulting with the Commission shall disclose any such information to any person who is not an employee of, assigned to, or consulting with the Commission, unless the person submitting such information specifically and in writing authorizes such disclosure.

(b) Subsection (a) does not authorize the withholding of any information from any duly authorized subcommittee or committee of the Congress, except that if a subcommittee or committee of the Congress requests the Commission to provide such information, the Commission shall notify the person who provided the information of such a request in writing.

### SECTION 5. REPORT TO CONGRESS.

The Consumer Product Safety Commission shall submit to Congress not later than twenty-four (24) months after enactment of this Act a report summarizing the results of the benefit/cost analyses described above. The report shall include any legislative or regulatory recommendations the Commission may deem appropriate.

2025769483

2025769483